

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

:

VS.

: Crim. No. 3:CR-08-393

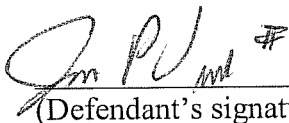
JOSEPH VIOLANTI

:

Defendant

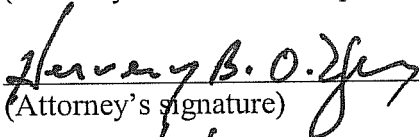
NOTICE OF ASSERTION OF FIFTH AND SIXTH AMENDMENT RIGHTS

I, the above-named defendant, hereby assert all my rights under the Fifth and Sixth Amendments of the U.S. Constitution, including specifically my rights to remain silent and to have counsel present at each and every interaction with a local, state or federal law enforcement agent or anyone acting on their behalf. I do not now waive, nor do I ever intend to waive, any constitutional rights, unless I do so explicitly in writing and in the presence of counsel. Further, I decline all future contacts with government agents or anyone acting on the government's behalf unless my attorney is present, including specifically all contacts that in any way involve the possibility of waiver of any of my constitutional rights.¹



(Defendant's signature)

Hervy B.O. Young, AFD, 116 N. Washington Ave., Suite 2C, Scranton, PA 18503
(Attorney's name/address printed)



(Attorney's signature)

Date: 8/3/09

Time: 1:00

a.m. (p.m.)

¹ See *Maine v. Moulton*, 474 U.S. 159, 176 (1985) (holding Sixth Amendment violated when government obtains confession by knowingly circumventing accused's right to have counsel present in confrontation between accused and government); *Edwards v. Arizona*, 451 U.S. 477, 484 (1981) (holding that once accused has expressed desire to deal with law enforcement only through counsel, no interrogation may occur in absence of counsel unless accused initiates communication with law enforcement); Pa. R. of Prof. Conduct 4.2 (barring communication with persons represented by counsel without consent of counsel) & R. 5.3 (responsibilities regarding nonlawyer assistants); 28 U.S.C. § 530B(a) (government attorneys bound by state ethical rules).